

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
June 27, 2011

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, June 27, 2011, was called to order at 7:00 p.m. by Acting Chairman Marty McClevey in the County Administration Conference Room of the County Administration Building.

Members Present: McClevey, Adams, Hunt and O'Hara

Members Absent: Coen and Clark

Staff Present: Baker and Knighting

Mrs. Baker: So this is it. We don't have a Chair or Vice Chair.

Mr. O'Hara: Mike is not coming?

Mrs. Baker: Mike Neuhard no, he is on vacation.

Mr. Hunt: I move we elect Marty McClevey Temporary Chairman for the evening.

Mr. Adams: I will second that.

Mrs. Baker: All in favor.

Mr. Hunt: Aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. McClevey: Aye.

Motion passed 4-0.

1. Call to Order

Mr. McClevey: It is seven o'clock, let's call the roll. You know how we do it.

Mrs. Baker: Yes.

Ms. Knighting: Mr. Coen.

Ms. Knighting: Mr. Hunt.

Mr. Hunt: Here.

Ms. Knighting: Mrs. Clark.

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Ms. Knighting: Mr. McClevey.

Mr. McClevey: Here.

Ms. Knighting: Mr. O'Hara.

Mr. O'Hara: Here.

Ms. Knighting: Mr. Adams.

Mr. Adams: Here.

Ms. Knighting: You have a quorum.

Mr. McClevey: Thank you ma'am.

Mr. O'Hara: Do we have an agenda?

2. Approval of Minutes

- May 23, 2011

Mr. McClevey: Alright did anyone have a chance to go over the minutes? From the last... May 23rd meeting?

Mr. Hunt: I did not, I was out of town.

Mr. McClevey: I did not either.

Mr. Adams: I did not. Kathy sent them two weeks ago and I said I will get to them tomorrow or the next day.

Mrs. Baker: We will not send minutes out that early again.

Mr. McClevey: It was very good that you did.

Mr. Adams: So I suggest we don't...

Mr. McClevey: I would suggest that we not, we just wait.

Mr. Hunt: Defer to the next meeting.

Mr. McClevey: And we move on to staff update.

3. Staff Update

- Virginia United Land Trust Conference

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Mrs. Baker: I just wanted to report out a little bit on the conference, the United Land Trust Conference from last month. Not a lot, but I guess the whole theme was to trying to get money when money is not available and coming up with creative ideas for funding. And they are, kind of, I guess, the land trust group is trying to drum up ideas and look at alternative grant money and different ways of offering grants to folks. As far as the State money, there is going to be a new round of applications due, I believe in October they said. We will see how things are looking maybe in about... our August meeting and see if we are going to look to apply for funding for the next round of PDR grant money. So I will try and get by our next meeting, which is going to be in August, a total of what our funding is going to be looking like at that point so we can try and make some decisions. I was waiting... I was going to send you all some of the documents from that conference and hopefully I will be able to get to those this week, if they are on line by now. That was really all on that.

Mr. McClevey: Was there anything earth shattering for an alternative means of funding or anything?

Mrs. Baker: You know, I guess a lot of it is just reaching out to your legislators and begging for money. But also utilizing the various means, you know just because we have State funding available does not mean we can't also apply for the Federal like the Farm and Ranchland programs. I mean there are a lot of different grant monies out there that maybe don't tie directly to agricultural but if you are looking at any agricultural property that you might want to preserve that has certain features on it such as wetlands that maybe go that route. So it is more of being creative and looking at different sources. I guess the last thing I will say is with the key note speaker at the conference was from the Civil War Trust and they are looking at the money that they have for the next twenty years. Probably eighty percent of it will be spent in Virginia because that is where the properties are. So another way to tie in of course is looking at things that might have historic resources or something on the property that...

Mr. Adams: That has been fairly successful fund raising.

Mrs. Baker: Yes. So you know it was interesting the different types of folks that were at this conference that are interested in preservation from different aspects and not just the agricultural sense. But looking at open space and rural land in general was very interesting.

- PDR Ordinance Amendment

Mrs. Baker: And then the Ordinance Amendment did go through at the Board's meeting is June so that is... once we get our final version, it may be ready, but I will send that out to everybody if I have not already done that. That went through, no questions asked and so when we get down to looking at if we are going to do a new round we will have an Ordinance in place and probably just need to look at... take another look at our formula, our matrix. That is really it for me.

Mr. McClevey: Yes with that, since we are on the Ordinance, are we going to have to look at the amount of money per development unit?

Mrs. Baker: That is what I am talking about, the formula, the matrix.

Mr. McClevey: Yes.

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Mrs. Baker: Look at how much per development right we want to consider. Keeping the matrix the same and what is the amount we are going to use.

Mr. McClevey: Correct.

Mr. Adams: It seems to me Fauquier County dropped the amount per unit.

Mrs. Baker: I think they are down to twenty now. They were at thirty at one point.

Mr. McClevey: And on the Civil War sites, the Board allocated like two hundred and fifty thousand dollars or something.

Mrs. Baker: A hundred and fifty as kind of up-front money that is going to be reimbursed by the Trust. And that was for the part where they have to put up erosion control features, all the silt fence and other things to keep run off from going into the creek down there.

Mr. McClevey: And where is that site specifically?

Mrs. Baker: If you go to the landfill, going in you can't really access it other than going back on to some of their dirt roads. But the public access is going to be off of Brooke Road. There is Mount Hope Church Road that comes off of Brooke Road and then there is a new development, housing development, going in there and that Mount Hope Church Road is going to be access into the back side of the landfill.

Mr. Hunt: Oh, okay.

Mrs. Baker: It was just too complicated to go through the actual landfill site.

Mr. Hunt: Yes.

Mrs. Baker: Because they have specified hours and other liabilities type issues because they are... because there is an easement that will occur and be placed over the property. I forget if they are going to transfer it to the Friends of the Civil War or if the County and the R-Board is going to maintain ownership. I will have to check on that. But the access will be controlled... it will be once it is turned into a park it will be monitored, it will be gated so it will only be open during certain hours.

Mr. McClevey: I think it is... again, as Kathy said, it is an opportune time for us to look at how we connect with the Civil War sites and how the PDR program fits in and see what is going on there because there tends to be a lot of... or seems to be a lot of interest and the momentum is certainly there. Any other questions or comments for the first two? Going to new business, the farmers markets.

4. New Business

- Farmers Markets

Mrs. Baker: Okay, I will start. I sent this out.. I don't know if anybody needs copies... but we did look at creating a definition and this became as kind of a combination of a couple of other localities. You can take a look at that. The other definitions are already in our Zoning Ordinance, the yellow one is

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highlighted. Again, this is just the first stab for discussion so that we can kind of dissect it and create a definition that we want. The second piece was the potential zoning districts to allow farmers markets. Specifically farmers markets, it does not mean that we will do away with other things such as the way side stands and that type of thing. These are basically the agricultural and commercial districts would be by-right and then the special exception, which would require them going through the Board of Zoning Appeals, that would impose certain conditions. You would look at perhaps your higher density residential areas, the planned development and suburban commercial, so more of your suburban areas as opposed to your rural and commercial areas would have to have a little bit more scrutiny. The Board of Zoning Appeals meets monthly and we thought of going that route rather than a Conditional Use Permit, which is rather expensive and fairly lengthy process. But the Special Exception is about a two month process if people were to go through in advance. And looking just at special regulations down at the bottom, looking at things like requiring an entrance permit if you have a vacant undeveloped property that does not have any access then putting it in per VDOT standards, the standard Health Department regulations and then just a note that on any temporary structure had standards through our building code department. For instance, tents of a certain size have to have building permits. So certain things we can do such as maybe certainly creating a brochure, here is what you have to do if you are interested in establishing. So whether we want to set any special regulations or just have those as recommendations that is another thing we will have to determine. If we want it in the ordinance they have to do it, there is no way around it. If we just want to do it case by case then perhaps we set our own guidelines which may segue into...

Mr. Hunt: That is probably easier, isn't it than to go through the whole process?

Mrs. Baker: It depends on how much we want to have set standards that everybody has to follow or if we just want guidelines. And maybe guidelines are better at the start to see what kind of problems we might have down the road. But that is what y'all need to decide.

Mr. Adams: I do know with permits everywhere where they require a permit... the fees are actually waived. It is a clerical exercise to give you a business license.

Mr. Hunt: Oh, okay.

Mr. Adams: But it is just a business license good for Saturday from eight to twelve or whatever the hours happen to be.

Mrs. Baker: But if you get an actual building permit I think there is a fee.

Mr. Adams: There is no building... it is just a...

Mrs. Baker: It is a building permit if you are putting up a structure that is over a certain size.

Mr. Adams: No, I was saying they require us to have a business license but they don't make us pay to have a business license like a regular business would have.

Mrs. Baker: But a building permit is a different thing.

Mr. Adams: Yes.

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Mrs. Baker: You still have to get a permit and there may be a fee associated with it. It is based on the size of the structure that you put up. If it is... I think they said if it is a ten... like C & T Produce has a tent, they had to get a permit to erect that tent because it is over nine hundred square feet. Because it has to be inspected, you know there have been problems if the tent is just set up, of that size, it falls in or falls down...

Mr. Adams: Oh yes, that is different. I was just thinking about what I do at the farmers markets. I use those standard fold out ten by ten tents.

Mr. Hunt: Pop ups.

Mrs. Baker: And that would not obviously require a permit. But just to let people know if they are going to come out and there is going to be something larger, there are certain guidelines or codes that they have to comply with. And we can supply all of those, I was just letting you know that they are out there.

Mr. McClevey: Well, my comment on that would be we need to put these markets in the places where the people are, send the market to the people. Right now it seem that it is prohibited in suburban residential or residential high density and so forth so you really can't do that. So if we were to establish a farmers market program here would we want more than just a case by case basis? Wouldn't we want some sort of change in the zoning or something? I guess there are two cases, there is the case of an individual setting up a market on their own and then if we ran our own, if the County ran its own.

Mrs. Baker: Yes.

Mr. McClevey: But we certainly want them to take these things to the people.

Mr. Adams: Kathy, let me ask...

Mr. McClevey: So what...

Mr. Adams: What would a VDOT commuter lot be considered?

Mrs. Baker: What do you mean?

Mr. Hunt: Zoning?

Mrs. Baker: It is what the underlying zoning is. I mean, I think the one up on 610 is actually split zoning, it is B2 and R1, just because that was the nature of the land when VDOT bought it.

Mr. Hunt: Let me interrupt you, I thought of something. These Traditional Neighborhood Developments, other than the Aquia Town Center, is going to be that at some point.

Mrs. Baker: Right.

Mr. Hunt: That would certainly be a likely place for a market. That meets bringing it to the people. I guess that is zoned...

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Mrs. Baker: That has its own zoning, PTND.

Mr. Hunt: Yes.

Mrs. Baker: Which is listed down here.

Mr. Hunt: Yes. I guess I should look at the book shouldn't I?

Mr. Adams: We do two markets in VDOT parking lots that is why I asked what it would be. But I see what you are saying it's where ever it happens to lie, not so much...

Mr. Hunt: Not the lot it is wherever it was. And they probably have to get a special use to put it in there.

Mr. O'Hara: Well, if you are looking at existing neighborhoods, developed neighborhoods. A lot of them have common areas. What is a common area zoned?

Mrs. Baker: Usually the same as the neighborhood itself.

Mr. O'Hara: So it would be R1 zoning?

Mrs. Baker: And I think the only reason we looked at doing them more by special exception was just to let... when you get into your smaller... your neighborhoods where the homes are closer together and the noise factor may be an issue or traffic may be a consideration, that just gives the public in that neighborhood notice that it is going to go in. You know it might not be such an issue in agricultural area where you have got more space, you have got more land, the houses are spread apart and the impact probably would not be so great. But when you have got your higher density, I think that is where the folks have a little bit more concern about additional traffic coming through where the kids are playing.

Mr. O'Hara: Under a special exception would they be able to get an exception on an existing residential lot that has been developed?

Mrs. Baker: Yes.

Mr. O'Hara: So there is really no difference between doing it at someone's house verses like doing it over at Leeland Station at the community center.

Mrs. Baker: Right.

Mr. O'Hara: If they were going to bother to do it. Both instances would both require a special exception.

Mrs. Baker: Yes and basically all that requires... I mean it requires an applicant to put in an application and go through the process, but there is going to be a newspaper advertisement published.

Mr. O'Hara: Would you say two months and there is some amount of expense?

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Mrs. Baker: Yes, I think that is three hundred dollars as opposed to a twelve thousand dollar... and you may... it is not set. That is what special exceptions cost now but you could always set it up different if you wanted it smaller. And again you don't have to go through special exception. These are just suggestions.

Mr. O'Hara: What other process would you recommend other than a special... something between a by-right and...

Mrs. Baker: Just by-right.

Mr. O'Hara: There is nothing between the two?

Mrs. Baker: No.

Mr. Adams: What would happen in case where this involves and Parks and Rec now running... they have got ownership of the farmers markets?

Mrs. Baker: So...

Mr. Adams: So the county is actually running it now through Parks and Rec. Do they still have to go through all these procedures?

Mrs. Baker: They will still have to have the proper zoning if that is what we decide, it has to be within the zoning districts that we have set, even if it is County-owned. So, again, the County-owned properties are all different. There are A1 parks, there are R1 parks. That is probably the only two - A1 and R2 - and there might be B2.

Mr. Hunt: And again I go back to Aquia, if you went to the PTND, Planned Traditional Neighborhood, you would have to have some agreement or lease arrangement or something with the land owner that says you can have that market there every Saturday or whatever. Probably would not charge you anything but I mean you would have to have some...

Mrs. Baker: Correct.

Mr. Hunt: We just couldn't... the County just couldn't show up and say we are doing this.

Mrs. Baker: Right.

Mr. O'Hara: They are obviously not going to get permission to go into a B1 that is already operated by an existing business. You know Food Lion is not...

Mrs. Baker: But it might if it's a business that doesn't have high volume on a weekend.

Mr. Hunt: How many of you know that there is a farmers market behind the old Days Inn in Aquia Towne Center?

Mrs. Baker: By the little bank or is it on the bank property or just...

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Mr. Hunt: No, it is on the hotel property.

Mrs. Baker: Yes.

Mr. Hunt: Yes, I mean you would not know that. It has been there for two years.

Mrs. Baker: Yes, I think longer than that.

Mr. Hunt: Longer than that, yes. I guess they rent the space from the hotel.

Mrs. Baker: Yes, and that is zoned B2 and what they are doing it as is accessory retail use because we do allow...

Mr. Hunt: You can actually do that, okay.

Mrs. Baker: And you could do that now under B2, just as retail.

Mr. O'Hara: So C & T does not operate under a farmers market, they operate under just a traditional commercial...

Mrs. Baker: C & T...

Mr. Hunt: I think you are answering the question by not answering. You are telling us that it is a little different everywhere and there is no real...

Mrs. Baker: Yes, that is zoned A1 and I think they came in under the premise of a wayside stand.

Mr. O'Hara: But they are also an everyday type operation verses just a market.

Mr. Hunt: Yes.

Mr. O'Hara: So it sounds like it would be hard to put something like this in neighborhoods without having to... you have got to put something on it so people just don't start setting up farmers markets in their driveways.

Mr. Adams: Differentiate between a farmers market where you may have twenty or thirty vendors coming to sell...

Mr. Hunt: And a single vendor.

Mr. Adams: Verses a vendor just putting a pop up tent.

Mr. Hunt: Yes.

Mrs. Baker: That is why in the definition...

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Mr. Adams: It would never work in residential because where are you going to park those three thousand people?

Mr. Hunt: Yes.

Mrs. Baker: That is why in the definition we say two or more, we can make that more if you want. But for the farmers market that is used by two or more individuals.

Mr. Adams: I mean believe it or not like in Dale City, that is exactly why it is in the VDOT parking lot because on any given Saturday there is five to eight thousand people in that five hours that come through. Well you need to be able to...

Mr. Hunt: Move the traffic.

Mr. Adams: You probably need it for five thousand people you probably need to be able to park three thousand cars. You know a lot of it is twenty or thirty minute trips but you would never have it in residential.

Mr. Hunt: Yes.

Mr. O'Hara: So it is not really practical to do it in a residential area just because of operation of the market so it need to be out...

Mr. Adams: Not unless they had a... the only way it would be practical to do it in a residential is maybe something like Augustine where they had a golf/country club and you set it up...

Mr. O'Hara: And that is what I was trying to get to...

Mr. Adams: ... there. But for the typical residential no, they would have to have... you would have to have a school within the residential or a park that could accommodate two hundred cars at a time type thing.

Mr. O'Hara: What is a typical school? Do they have a zoning associated?

Mrs. Baker: It depends on the locations, A1, R1, PD1.

Mr. O'Hara: Because that makes sense, because they generally have large parking lots and are used to moving people in and out.

Mr. Hunt: Yes.

Mr. O'Hara: Twice a day. But we are really constrained by the existing zoning, we can't... I mean we are not going to come up with another zoning or anything.

Mrs. Baker: Because if you did that you would have to go through an actual rezoning process.

Mr. O'Hara: We are not going there.

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Mr. Hunt: Right, but I think we... I am sorry it is just taking me a while to get my head around this, but we are really talking about helping the county set up a full-fledged farmers market with multiple vendors and not two people in the back with a tent. We are talking about helping the County....

Mrs. Baker: Well, not necessarily the County, because the County may not even be interested in doing it right now, but for any agency or group or people that want to come in and establish one, like Shannon Howell wanted to do last year.

Mr. O'Hara: This is just the enabling legislation.

Mr. Hunt: Right, but we are talking about a real market with multiple vendors, not a guy who wants to sell fruit...

Mr. O'Hara: Watermelons.

Mr. Hunt: Yes, that kind of thing. I don't mean anything bad about that but you know...

Mr. O'Hara: No, but that's...

Mr. Hunt: What if a new proposed subdivision was going in, couldn't they put in their corporation in their application?

Mr. McClevey: In their application? We choose to put a zone within our thing for multiple use, a commons in which farmers markets and other events could take place.

Mr. O'Hara: That would be up to them.

Mrs. Baker: What they would have to ask for is a zoning that it is going to be allowed in. I mean it depends... if it is coming in for a residential subdivision your zoning is going to be one of these residential zonings...

Mr. McClevey: I understand that. They just couldn't...

Mrs. Baker: They couldn't just offer to do it without following the other parts of the zoning ordinance.

Mr. McClevey: Okay.

Mr. Hunt: But I think what you are... what I am hearing you say is that the successful ones are really managed by the county. They are managed by some entity.

Mr. Adams: The successful ones that I go to are managed by a governmental organization of some type.

Mr. Hunt: Yes.

Mr. Adams: And I want to stay that way. Charlottesville is the City of Charlottesville, Manassas is the City of Manassas, Dale City is Prince William County Parks and Recreation, Warrenton is the planning office of the Town of Warrenton.

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Mr. Hunt: Yes, see, I guess I am leaning towards something that Stafford County would embrace, whether it was Parks and Rec or Stafford County or Ag/PDR or something. Some organization would embrace and manage that.

Mrs. Baker: I mean if that is the route that you are thinking of taking then I think we need to go to the Board of Supervisors first and get their input on this because nothing is going to happen without...

Mr. Hunt: Yes.

Mrs. Baker: ... their approval.

Mr. Hunt: As I sit here and think about it, I am a right wing free market guy, but I think if I just wait for it to happen it isn't going to happen. I almost need somebody to start it. So, yes, my preference would be to go to the Board of Supervisors and say we would like to implement the process of establishing a Stafford farmers market.

Mr. Adams: A farmers market goes back to the old Kevin Cosner, build it and we will come.

Mr. Hunt: Yes.

Mr. Adams: If you expect the farmers to organize a market...

Mr. Hunt: It won't happen.

Mr. Adams: You will never have one.

Mr. Hunt: Yes.

Mr. Adams: It has got to be someone who takes it upon themselves to organize a market and invite the farmers to it.

Mr. O'Hara: Well, is there no one willing in the private market to take something like this and run it for profit rather than having to have the government act?

Mrs. Baker: That is where you would need to put the feelers out.

Mr. O'Hara: I would say put out an RFP and see if anybody is interested in...

Mr. McClevey: If we... I think right now what we are looking at is just getting the definition done so that anyone in the future wants to they could step up and could walk through the process. Like Kathy said, we would know what they would have to do, an exception to the zoning and so forth.

Mr. Adams: And maybe I... for me to step in and set up a market and run a market I would have to step back from selling. Because I could not manage a market and still try to sell my stuff.

Mr. O'Hara: There may be people that wouldn't mind just going in as a weekend venture.

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Mr. Adams: Yes.

Mr. Hunt: Did you say Shannon Howell wanted to do this at one time?

Mr. O'Hara: Can I ask a question about...

Mr. Hunt: How about we invite her back?

Mr. O'Hara: ... zoning? If we said, hey, we want to make... we would like to see RBC being by-right that would go through the Zoning Board?

Mrs. Baker: Yes, any Zoning Ordinance change has to go through the Planning Commission...

Mr. O'Hara: So there is no reason why we can't say we would like to see those changes.

Mrs. Baker: These are just...I drafted this.

Mr. O'Hara: But these are the existing ones.

Mrs. Baker: No.

Mr. O'Hara: Okay.

Mrs. Baker: There is no zoning district that farmers markets are allowed in.

Mr. O'Hara: Whatever we do is going to require this list. So this is pencil on paper we can erase and move.

Mrs. Baker: Yes.

Mr. O'Hara: Okay.

Mrs. Baker: Whatever you all choose to do. This is just a starting point.

Mr. Hunt: I thought this came from... I like this. Great job.

Mrs. Baker: Just a starting point for discussion to see where you all...

Mr. O'Hara: Well is there any reason why you would not do it in an RBC?

Mrs. Baker: No.

Mr. O'Hara: Celebrate Virginia, you know has got probably plenty of places where you could do something like that.

Mrs. Baker: The RBC, the PDs and the PTND, even the Suburban Commercial, I mean maybe those are more by-right. I think, really, these R1 and R2 and R3 are probably going to be the ones that are... they

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are more houses. If they had open space they might have a tot lot or a playground or some kind of playing field. You know, you still may want to do it because you might have a nice big playground where you are doing it just for the neighbors and maybe some adjoining neighborhoods. But you just have to think of the impact on...

Mr. O'Hara: It is not going to create a large enough market to draw enough people to really make it interesting.

Mrs. Baker: Well, it just depends.

Mr. Hunt: Maybe, we could take all of these and move them up to the by-right.

Mr. O'Hara: Well, that is sort of what I am thinking.

Mr. McClevey: Well, let me throw another wrinkle into this. What Kathy had proposed or sent us, information on the Federal Grants on starting up farmers markets, and that's for like depressed areas or for areas that really need nutrition and that kind of stuff. So, a lot of these areas, the special exception areas are the ones that are going to need that or would be more applicable to a grant, start-up grant area. Does that make sense? I guess I have not read enough on it to determine if there is a difference that I would assume that if we got a grant such as that we would be required to put it where it is convenient to these people, to individuals that need it most.

Mrs. Baker: But we don't really have a localized area, a concentrated area in the County...

Mr. Hunt: That meets that.

Mrs. Baker: ... going to meet that, really. I mean, it is not like downtown Fredericksburg, where people are within walking distance.

Mr. Adams: Remember the program that Elizabeth Borst talked to us about with the SNAP program? They have got the same program in Warrenton. They can't come up with a community to serve. You know it is just... the demographics just aren't there to make it work or whatever. So I know what you are saying there Kathy, yes there are people in the County that get SNAP, but you can't draw a circle and say there is two hundred of them right here.

Mr. Hunt: We are kind of talking in circles and I am not quite sure where we are headed.

Mr. Adams: No, I am just saying, like Marty was saying just have a grant to say well this is...

Mr. Hunt: I looked that up, what do we do now I guess is what I was going?

Mr. O'Hara: I like your suggestion that we expand to really exclude everything except...

Mr. Hunt: We accept this definition and we recommend that those categories are moved up into the by-right. So if the Committee likes that what do we do next though? What is the next move?

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Mrs. Baker: Vote on it to go forward in the official format and the staff would forward it to the Board for them to send for public hearing.

Mr. Hunt: Just so y'all know what Pete and I were talking about is just moving those up so that it was more in the by-right.

Mrs. Baker: Yes, I would recommend just leaving those R1, R2 and R3 because the other all have some component of mixed use.

Mr. O'Hara: Yes.

Mrs. Baker: Where you have got some commercial capacity and people are going to expect that there may be something more than just houses in there.

Mr. Adams: What size is rural residential?

Mrs. Baker: A2? That is one acre lots.

Mr. Adams: One acre lots.

Mrs. Baker: Not a lot of A2 land in the county.

Mr. Hunt: Yes, most of it is A3, in the A, three acres or whatever it is.

Mrs. Baker: That is the A1.

Mr. Hunt: Yes.

Mrs. Baker: Which is a lot of land.

Mr. O'Hara: I think the only thing that might be up for discussion is how many individuals are required to establish what that trip is for the farmers market. That's two or more, do you want to make it four or more. I don't have an argument one way or the other.

Mr. Hunt: But I would have to agree with you since you would like to see it be a viable business not two people on corner selling watermelons. Again I don't mean to be bad about that but maybe it would be better if it was five people.

Mr. O'Hara: Is it really individuals or entities or concerns? Is that staff language that you guys just came up with?

Mrs. Baker: We pulled that from other localities that already...

Mr. O'Hara: So this has stood the test of time.

Mr. Hunt: Is two enough to start with, is five the right number?

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Mr. Adams: I would say for it to be successful at a minimum you need somewhere between five and eight.

Mrs. Baker: But do you want... I mean what is wrong with discouraging two vendors from doing it on their own on every corner?

Mr. Adams: Oh nothing, I am just saying that with two people, two vendors it never becomes but so viable.

Mr. Hunt: It does not fit the vision that I had. But your point is I have got to start somewhere. I could put down fifteen and I would never have any done because I would never get there.

Mr. O'Hara: So there is no reason not to do two, especially if we made residential not by-right. Because we don't want to put the watermelons, just to carry on an example, out of business.

Mr. Hunt: I don't mean anything negative about that, it is just not what I had in mind.

Mr. Adams: No, because what happens, once you get a viable farmers market going, well the market takes over and says okay we have got fifty vendors now. We will allow three guys to sell meat, we will allow five people to sell baked goods, and they start slotting things so you don't fifty people there and all fifty selling honey. You know at some point once you get to a point you start slotting for lack of a better term.

Mrs. Baker: And I think that is where you get into your guidelines.

Mr. Adams: Yes, that is where your rules and so forth take over.

Mrs. Baker: Which don't have to be part of the Ordinance.

Mr. O'Hara: So do we need to do two votes?

Mr. Hunt: I guess I would move that we make the adjustment to the proposed Zoning Districts by moving PD1, PD2, RBC, SC and PTND into the by-right.

Mr. McClevey: I would agree on that.

Mr. Hunt: Yes and then in addition in that same motion move that we accept this definition of a farmers market.

Mr. O'Hara: Second.

Mr. McClevey: Well, let's review the definition. Well, first of all I would guess that Tom and Gail, those absent, would be in agreement with our decision on the zoning. Let's look at the definition and hash that one more time.

Mr. Adams: The first sentence where it has got seasonal, there are not many but there are three or four actually year round markets. And then what happens? Products within the market become seasonal. You

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know, like the orchards, they have got their peaches starting around the first of July and they can go to about November with their apples and after that they have no product.

Mr. O'Hara: Seasonal is sort of a broad term.

Mrs. Baker: Yes.

Mr. O'Hara: But there is seasonal and then there is the one day a week or seven days a week. Do we need to... or just kind of stay silent on that?

Mrs. Baker: Umm.

Mr. O'Hara: I guess if you build a stand you may just want to run the stand seven days a week if you can find one other person and really want to go through the hassle of making it a market verses a way side stand.

Mrs. Baker: I don't think this limits it in any way, whether or not you need the seasonal, again I just took that because that is what the other definitions included. I guess to give it more of a temporary sound to it because I guess that is another part of the discussion. A farmers market could be a permanent structure, it could be a building.

Mr. O'Hara: If you put a building up, I don't know that you are so much temporary anymore.

Mrs. Baker: Exactly.

Mr. O'Hara: You are permanent but that you may only occupy it during the growing season.

Mrs. Baker: Again this does not preclude that from happening. If someone wants to build a Butler building or something, seasonal might include Christmas trees.

Mr. O'Hara: They have got to find someone willing to host it.

Mrs. Baker: Right.

Mr. O'Hara: And they have got to go through the whole process.

Mrs. Baker: Right.

Mr. Adams: Here is what happens in Manassas. Because we have it on Thursday our farmers market is in the Harris Pavilion. Now we can only go to the first week in November because then the pavilion is converted to the outdoor skating arena and things like that. But I mean it is a pole shed pavilion that is probably sixty by a hundred or there about.

Mr. O'Hara: But they are the property owners really controlling...

Mr. Adams: Right.

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Mr. O'Hara: And keeping it temporary to match and complement their off season or seasonal.

Mr. Adams: Yes, it is the City structure and the City takes care of it. They decide the uses and then they control the market like coming up in July for the one hundred and fiftieth anniversary they said hey, these four days the pavilion is for Civil War and nothing else. No farmers market, they cancel it for that four day stretch. That is because they own it and it is theirs and they can do what they want.

Mrs. Baker: I think one of the reasons for including the word seasonal is if you don't, then how does that distinguish from... I mean what if you have somebody who just wants to sell beef all year round? Is that a grocery store or is that a farmers market? I mean, I guess beef could be year round, it is not limited to any season, but that could be sold at a farmers market.

Mr. O'Hara: Is there any advantage in suburban zoning saying you are a farmers market over being a...

Mrs. Baker: A lot of that is going to depend upon the type of structure that is going to support it. You know, if you just have a parking lot with vendors and tables or tents or if you have got something that is going to require a building that is going to have a site plan that is going to have to have a certain size parking area, we are getting into maybe permanent verses temporary, it is more of a distinction. I don't know.

Mr. O'Hara: Maybe at this point the planning board is the expert at this stuff, we are not. Maybe we ought to just send it the way it is up there and let them chew on it and if they see some unintended consequences in what we have. My hope is that they would catch it and send back.

Mrs. Baker: We can give y'all some other examples of definitions from some other localities.

Mr. Adams: Most farmers markets appear out of nowhere, last for four to five hours and are gone to God knows where. In the farmers market, I mean there is a society within the farmers market because everybody knows where everybody is at on Sunday and Saturday, you know that some are here and some are there. But it is almost family in a way, you run into the same people three or four times a week at different places.

Mrs. Baker: Here's Albemarle's I think, under farmers market... an existing parking area used periodically by two or more farmers only for the seasonal sale of agricultural or horticultural.

Mr. O'Hara: I like that word periodically.

Mrs. Baker: A farmers market shall not include the sale of commercially manufactured products, which the farmers have not grown or produced on their farms. And there is another one.

Mr. Adams: What I think is ironic is you have farmers markets all in D. C. where a farm does not exist and here we have farms and no markets.

Mr. O'Hara: Well, we are about to fix that.

Mr. McClevey: So, do we need to broaden the definition? Do we need to list prohibitive things or...

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Mr. Hunt: I think we should leave it kind of simple we can always adjust this later. And my guess is the Board is going to have a thousand questions for us and it is going to change a lot so...

Mr. McClevey: It is pretty basic and pretty clear.

Mr. Hunt: Yes.

Mr. McClevey: I don't have any problem with it.

Mr. O'Hara: I think the only thing I would change would be for the periodic sale of seasonal agricultural or horticultural, I don't have a problem with that.

Mr. McClevey: I would disagree because I kind of think of this ordinance and the program that we are starting up is kind of like we are going to loan the jurisdiction, the ordinance and the rules and regs to these people to have a successful market. We want them to succeed. Our goal is for it to be a permanent, I think, as year round as we can make it as inclusive as we can make as far as we want somebody to step up whether a private person or the county to step up and manage a good successful market. And we want this definition to make it so that that can happen. So if the person... if we say that by-right they can go into, I don't know if this is in there, an abandoned or a vacated store area in a shopping center we would want that to be operated as long and as conveniently as possible. In other words I would rather it be run seven days a week than...

Mr. O'Hara: Well, what is the difference between a farmers market and a store?

Mr. McClevey: Products, I would say the products.

Mr. Adams: At the end of the day though, Marty, it is going to be periodic. You will pick a day of the week and set hours and that... you take Fairfax County, it runs twelve markets. They have got six morning markets and six afternoon markets, but no location has a market more than one day a week. It is this park from seven to twelve and it is that park from seven to three on Monday and over here it is Tuesday.

Mr. McClevey: That has all been worked out, that is not by choice of the market, the County has told them that these are the hours.

Mr. Adams: Right, the County moves the markets around within the county.

Mr. McClevey: So, I am wondering if that is prohibitive on a farmer saying I would run more but I can't. I am just saying, I don't have any problem with seasonal or periodical word, I would be more vague on that.

Mrs. Baker: Well, you don't really have to have any. You can strike these.

Mr. Adams: But you know...

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Mr. McClevey: I think seasonal. Seasonal applies to the fact that a pumpkin come in in October or something and that corn comes in in July or August or something or tomatoes come in in a certain time and chickens come in at a certain time, that is seasonal.

Mr. O'Hara: Yes, that is the point.

Mr. Adams: That is the truth in the produce end, yes.

Mr. McClevey: We are not saying that a market is going to run from June to August and shut down. That is what I want to avoid. I don't want us say well we are going to run this thing from blank to blank.

Mr. O'Hara: I think seasonal is very broad, but I think what you want to say is that it is not a seven day a week, twenty-four seven.

Mr. Adams: No it is not Target with regular hours. That is not what it is.

Mr. McClevey: Okay, I hear that.

Mr. O'Hara: Seasonal is as long as something that you are selling is in season. And the term the meat, meat is always in season, right?

Mr. Adams: Mine is.

Mr. O'Hara: Chickens are... so that is fine. It just keeps them from establishing a permanent... It would be like going to Virginia Bazaar and having a permanent flea market set up. I don't think that is really where we are trying to go. We want these folks to pick up fruit tents and trucks and move on. You are sort of using sort of a complimentary land use when you are using land that may not be utilized on a Saturday and Sunday morning, you are using it for something that is worthwhile and then they pick up and on Monday morning people can go back to parking in the commuter lot.

Mr. McClevey: And I hear that and I agree partly on it, but again I am looking at us, if we were to go into the management aspect of it or have a person go into the management. Would they be able to be productive and would they be able to pay their way?

Mr. O'Hara: I think I would rather run something like that in a short period of time and get a lot of people coming through rather than having to invest a lot more time to run something over the course of a week and pay the overtime because you are into Saturdays a week and it's going to cost a lot more because you are going to have less sales than you will, I think, than one a Saturday or Sunday morning. Does that seem to make sense?

Mr. Adams: The market will follow money. The only way you can have a market in Stafford seven days a week is Stafford has to be the best location all seven days. And it is not going to be.

Mr. McClevey: That is what I wanted to make sure.

Mr. Adams: The baker that is doing three thousand dollars in Alexandria is not going to give up his slot in Alexandria on Friday afternoon to come to Stafford to sell a hundred and fifty dollars' worth.

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Mrs. Baker: But you have a new person that moves into the county wanting to do it locally close to home.

Mr. Adams: Right.

Mrs. Baker: You have now given them a venue to be able to do that.

Mr. Adams: You have given them a venue.

Mr. McClevey: And, then, on the other hand you could have a whole new group of farmers in on a different day. Those that are in Fauquier might just move to Stafford on an off day or in another day. I guess we are kind of beating this to death. Okay, anyway, so the motion was for the definition and is there anything restrictive or prohibitive on Bob's motion for moving the PD1, and PTND up to the by-right? Again, my thought was on the timing of these things. If there was restrictions on how they operated time wise and longevity wise. If we move those up were we creating problems? Some of these communities might not agree to the timing on weekends, maybe they want it longer. Maybe I am not making any sense.

Mr. O'Hara: Are you talking about timing during the day, like during daylight hours or...

Mr. McClevey: Right, I am looking at hours of operation. Are there any and in these other zonings but the by-right ones as they stand I can see where you can operate them at any hours, any times.

Mr. Adams: The reality is a market is only going to work in daylight hours.

Mrs. Baker: But you are also going to... that is when you have your rules and regulations that you may have... Spotsy and Fredericksburg do new ones each year. They change according to the...

Mr. McClevey: But I was just thinking, well, would we rather keep these in special exceptions because we can do more under special exceptions and make it by-right for the other zoned areas.

Mr. O'Hara: Special exception is going to cost them three hundred bucks to advertise in the paper and it is going to take them a couple of months to get it done. So if you really want to enable it, what Bob and I were trying to do was to make as much by-right opportunities as possible rather than have them to regulate every good spot that may not be in a by-right. Unless we decide to just determine where the farmers markets will be and these are the only places they will be.

Mr. McClevey: Well, this is just a proposal that we are moving up for discussion to the Board.

Mr. Hunt: Yes, and the reason I am being a little lax about it is, I think it will change ten times and we will get plenty of opportunities to revisit it but I just feel like if we don't push it forward now and get it started it will never get started.

Mr. McClevey: Is that... we are okay?

Mr. Adams: We are not going to have one until 2013 because if you can't have everything in place by January 2012 you can't have a market come spring.

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Mrs. Baker: The Board may also come back and say no we don't want to do this until we know more and they may want to see some of your rules and regulations. Or they may want to have more of a... something laid out, but this will be a start.

Mr. McClevey: Okay. Then Bob do you want to make your motion and go ahead?

Mr. Hunt: So moved.

Mr. O'Hara: Second.

Mr. McClevey: All those in favor...

Mr. Hunt: Aye.

Mr. Adams: Aye.

Mr. O'Hara: Aye.

Mr. McClevey: Aye. Opposed? Motion carries. Any other new business here? Did we miss anything previously? Did you want to go into... we never did really talk about your rules. Did you want to discuss...

Mr. Adams: I can tell you what we did. As you know, I do five farmers markets, I got all the rules mailed to me and this is just a draft of... you can make a market too confining and it can be too open, like King George has a market where you have to produce it in King George. Well, that means certain products you either don't have or you have so limited quantity of it is not viable. Then you have markets like Warrenton that say it has to be produced in Virginia. So they broaden it out a little bit but what that does is it means the guy that has got the orchard over in Martinsburg, West Virginia an hour and fifteen minutes away can't sell but the guy can drive eight hours up from Abingdon and sell. So that is kind of why we said within a hundred miles and you are talking a straight line hundred miles. So that would be, that is a big area. That is almost from Williamsburg to Baltimore, really when you look at it. A lot of the rules, we stayed away from the site specific stuff because a lot of stuff is sight specific just because of the way you have to set up and the way parking is and things like that. We wanted a producer only market, so you have to produce it. Manassas allows... you can pay a five hundred dollar fee and you can start selling bananas and pineapples and oranges. And we want to stay away from that. Some things regardless what you want your rule to be, VDACS steps in and takes care of a lot of it. Well let's say Marty you are a baker, so you are doing breads and cupcakes and rolls. You have had your kitchen inspection and everything at your facility and you have got your labels by VDACS. So when VDACS comes and looks at you in the market, they just want to make sure okay you have got your muffins covered okay that is fine. And you have got a way to clean your knife when you do samples. The rest of it they don't care about because they have taken that off site. So all those rules you leave out of it. If you want to get specific like with dairy, you could just say must follow Virginia VDACS rules for dairy and just leave it at that. But that is all we really did, we just cut and paste from the other rules. You know what works what doesn't and of course when we talk about... there are people that do this for a business that run markets privately. And the first thing they do is throw this away because they have got their own set of rules.

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Mr. McClevey: Who enforces the rules the manager or the county?

Mr. Adams: Who ever runs the market.

Mr. Hunt: And these would apply to a county run market?

Mr. Adams: Yes.

Mr. Hunt: And somebody wanted to come in and set up his own thing and do his own thing and apply and get it certified and all that, he could do that on his own.

Mr. Adams: Yes.

Mr. McClevey: But I thought these were more for the ordinance permitting for any market.

Mr. Adams: No, the rules would be separate of the...

Mr. Hunt: There should be a Stafford sponsored market. That is probably the best way to start.

Mr. McClevey: No, I think the ordinance is for markets period. Whether it is Stafford or anybody.

Mr. O'Hara: But do the rules go in the ordinance?

Mrs. Baker: I would say no because your rules may change.

Mr. O'Hara: Yes, so the ordinance just says the rules will be determined by whomever or approved by the Committee.

Mr. Hunt: Okay, so I think the question...

Mr. Adams: The rules are going to be the rules.

Mr. Hunt: We probably can't get this through the Board of Supervisors without a set of rules, just my guess and thinking. Marty, I think I am coming around to your way of thinking. These would be the county sponsored... these would be the rules for a farmers market for Stafford.

Mrs. Baker: I think one thing you might even do is, like down here where I was starting the special regulations for farmers markets. In the ordinance itself, under the separate section of the ordinance, that has special regulations, say, for keeping horses in a certain district. You would have special regulations for farmers markets and that is where you would say a farmers market must have and established manager or you know you could set some general rules and then anybody wanting to do that has to go through that type of a procedure where they have... I mean, typically a farmers market has to get approval through the agricultural department or the extension office. But I don't know what drives that. Maybe I need to research that a little bit.

Mr. Adams: For the type of rules we have here, Bob, you don't want to Board having to see any of this. Just like the Parks and Recs runs the soccer program or youth baseball or youth basketball. They don't

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get the Board involved with their little rules and registration figures and fees and stuff like that. I am like Kathy, you might want some basic rules that for instance if there is a market you have to provide the county with a point of contact.

Mr. Hunt: Yes.

Mr. Adams: So they don't have to try to figure out what the hell is going on here? That type of thing, but not these rules. I would think you would want to stay away from these. And we did not even look at those four of five rules. You know, those must have type of things.

Mr. Hunt: Okay.

Mrs. Baker: So, again, Albemarle and Fauquier... some of them have just additional standards set out. You can go as far as saying you have got to have a minimum lot size and you have got to have a certain number of parking. It tells you about what signage is allowed, so maybe it is... maybe you do want to...

Mr. McClevey: I agree with Jeff, we may not want the Board to have the responsibility for tweaking every little dot. But I think we have to have attached rules because we want these markets to be successful standardized so that if a person sets up market at X location selling coconuts and this kind of thing and fireworks we know that is in violation, because that is not within the spirit of the farmers market program because we have established standards for operation. I think we need standards for operation to make a successful market effort in Stafford County. So there has to be rules and regs somewhere and where it goes I am not sure. I mean, I think Kathy is probably on to it, we can just put see attached rules or something.

Mr. O'Hara: I could see, you know if we are going to allow these things by... farmers markets by-right in so many different zonings we probably ought to have something in there that says there needs to be X number of parking spots per vendor. Some things just to make sure these things... that farmers markets don't become a nuisance.

Mr. Hunt: Absolutely.

Mr. O'Hara: But do it in such a way that we are not over regulating it. Maybe we just need to spend time and make sure we hit those half a dozen really important things and leave the rest of it to whoever is actually going to manage it. Because it is going to be upon them to make sure that it is successful.

Mr. McClevey: So Jeff is there any of these rules...

Mr. Adams: There is nothing there that would go to the Board as far as I am concerned.

Mrs. Baker: Well, you could leave it as simple as maybe even adding to the definition that it is to be run in accordance with guidelines established by the county.

Mr. McClevey: Let me interject something on that because if we go to the best management practice type stuff there is no... you can't enforce stuff, there is not enforcement on standards or guidelines. I think we would want standards that are enforceable or a... somebody from the county that could step up and say look you guys have no means of exiting vehicles. You have got chaos here this is not the spirit. You

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have got fireworks here, you have got coconuts, you have got bananas grown in Timbuktu and this is wrong, shut down.

Mr. Adams: Now, see that... markets are kind of self-regulating. Remember a lot of us do this three or four days a week, five days a week. And the rules don't vary a whole lot from market to market. I mean they may say different... but some things that scare me is like when you talk about parking. Just go up here on 610, Target was already told to put in so many parking spots. But on Saturday we know they don't use them all so we go to Target and say we would like to start a market and we want it in this area of parking lot and they say fine. Now if you say all at once you have got to have this many parking spots per vendor, you have got to do it in such a way that no we are not talking about adding new parking spots. Target is only using...

Mr. O'Hara: Well, to use the Target lot you know that is one thing if you use... go back to the neighborhood community center and there is only thirty spots and half of them are taken up by vendors. And you have people parking in the middle of the road and that is when things are kind of getting out of control and since you are doing this by-right there is no way to look at it and make sure... hey you can actually fit one of these things on this particular site.

Mr. Adams: And here is what I would tell you, just like what happens in Manassas. Come July 21st to 24th they know that parking is so premium that they can't have parking lots tied up, they can't give up fifty parking spaces for vendors and then another fifty parking spaces for customers because they have got people all over the world coming in so they just said you have got to stay out of here. No markets this week.

Mr. O'Hara: Right.

Mr. Adams: And I would tell you as a market if the people can't park they don't come. If parking becomes an issue, we are going to move the market.

Mrs. Baker: Maybe part of your regulations is you want to set up a minimum requirement for parking that has to be provided and that can be based on... I mean other uses in the ordinance have established parking requirements, a minimum of so many spaces for an amount of square footage. I mean that is something else you could do if you wanted to work on some special regulations. There might be some certain things you want to have, an entrance, parking again the health regulations but then you can still set more detailed rules.

Mr. Adams: That is why a lot of them are in VDOT parking lots on Saturday when nobody is using the parking lot.

Mr. McClevey: So I think we ought to look at these at the next meeting and determine which ones we feel are critical towards the ordinance and which ones are up to the specific markets site. I have not had a chance... I have not looked at these so I am going to take the time to do that. Any way I appreciate Jeff and Gail doing all the work on this.

Mrs. Baker: Well, do you want to hold off sending something to the Board?

Mr. McClevey: I think we ought to wait and...

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Mr. Hunt: I think we want to send those two, the things we voted on to the Board.

Mrs. Baker: Okay.

Mr. Hunt: But hold off on the regulations.

Mr. McClevey: On the regulations. I want to make sure Tom and everybody else has gone through them and again I think we ought to glean certain ones out that we say these are really key ones that we feel are important for... if we are moving toward an ordinance these are things that... standards that we would really want established. I don't want to speak for Tom or Gail, but I think we ought to wait on this and review it for the next meeting and pick it up then and maybe see what we can...

Mr. O'Hara: We still need to have an ordinance drafted. I mean we just came up with some...

Mrs. Baker: It is just a matter of putting what you all recommended into the format. There is a standard format that I will have to put it in. I mean, the ordinance is not going to... all it is going to show is in our table and districts we are just going to have a new... we are going to have in the definition section we are going to add an underlying definition and then each zoning category we are going to add an underlying allowed by-right...

Mr. O'Hara: So this is just a revision to an existing ordinance is what you are saying.

Mrs. Baker: Yes.

Mr. O'Hara: Which may or may not require rules?

Mrs. Baker: Yes. But if you wanted to require certain rules there is a section in the ordinance again, called special regulations that go to different things. And so it might be... there might be certain things that you do want to have in the code such as there will be a manager. There will be sufficient parking whatever that might be or you might leave it simple and say as determined by... I don't know.

Mr. McClevey: Right. I think we need to discuss this and explore it more. I think you are right Kathy.

Mrs. Baker: But there might be additional ordinance language that might have to follow.

Mr. McClevey: Now in order for my own knowledge, an ordinance is enforceable guidelines?

Mrs. Baker: Yes.

Mr. McClevey: Who would enforce... let's say a market were established under conditions of the ordinance, whatever. They got permits, they got whatever they needed. What if there were violations on market standards or something related to how they set up and all. Who... let's say they did not have adequate parking.

Mrs. Baker: Well, right now we don't have anything to show them what that requirement is.

Mr. McClevey: But what if we did?

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Mrs. Baker: Then the zoning office.

Mr. McClevey: The zoning office would be responsible.

Mrs. Baker: The zoning section of our department.

Mr. McClevey: Okay. I was not sure.

Mrs. Baker: But if we are going to have standards, such as parking, entrance, whatever then we are going to have to require a permit to be issued through the county. And that permit is going to have to show the layout basically of what you are going to do, where you are entering into the site, where that parking is going to be. I mean, I think we want to have that anyway to some extent but is it just a hand... something hand drawn by... I guess that is kind of what needs to be penned down too.

Mr. McClevey: I think Tom and Gail would agree that we want a successful market. We want a plan that makes these markets successful and perpetual and not something that again we go back to the flea market line of anything goes and anybody can get a permit. So anyway any other discussion on the farmers markets?, I would suggest that we just wait on this until the rest of the Committee is here. And discuss further on what needs to go in the ordinance and so forth. Any more new business?

Mr. Hunt: Okay.

5. Next Meeting

- August 22, 2011 Regular Meeting (No meeting in July)

Mr. McClevey: No meeting in July. August 22nd is the next meeting. Are we good?

Mr. Hunt: Good to go.

6. Adjournment

Mr. McClevey: By the powers invested in me by the Committee tonight, I hereby close the meeting.

With no further business to discuss the meeting was adjourned at 8:15 p.m.